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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the right to development

Note by the Secretariat

In its resolution 33/14, the Human Rights Council established the mandate of the Special Rapporteur on the right to development for a period of three years, and requested that the Special Rapporteur report annually to the Council and the General Assembly.

The Council appointed Saad Alfarargi as Special Rapporteur on the right to development at its thirty-fourth session and he formally took up his role on 1 May 2017.

In his report, drafted in the short period after his entering into office, the Special Rapporteur outlines his preliminary views concerning the background and context of the mandate, highlights certain challenges for its implementation and presents an outline of the preliminary strategy that will inform his work under the mandate, including strategic considerations that he will take into account and specific work streams. The report also includes the Special Rapporteur's approach to engagement with stakeholders, as well as his methods of work.

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Report of the Special Rapporteur on the right to development

I. Introduction

1. The Human Rights Council, in its resolution 33/14, decided to appoint a Special Rapporteur on the right to development. In section VI below, the Special Rapporteur outlines the main focus areas of the mandate set out in the resolution. In the same resolution the Council, among other things:

(a) Invited all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by providing all necessary information requested, and to give due consideration to the recommendations of the mandate holder;

(b) Encouraged relevant bodies of the United Nations system, within their respective mandates, including United Nations specialized agencies, funds and programmes, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of the 2030 Agenda for Sustainable Development, to contribute further to the work of the Working Group on the Right to Development, and to cooperate with the United Nations High Commissioner for Human Rights and the Special Rapporteur in the fulfilment of their mandates with regard to the implementation of the right to development.

2. At its thirty-fourth session, the Human Rights Council appointed Saad Alfarargi as Special Rapporteur on the right to development for a period of three years. The Special Rapporteur took up his functions on 1 May 2017.

3. After taking up his functions, the Special Rapporteur conducted a round of introductory exchanges with States, the Office of the United Nations High Commissioner for Human Rights, United Nations agencies, international organizations, non-governmental organizations and other stakeholders, seeking inputs to help further develop his vision, methods of work and focus areas. Numerous inputs were received; the Special Rapporteur is very grateful to all who have contributed to and participated in these consultations to date and is looking forward to continuing to work with them.

4. The present report was drafted during the short period after the Special Rapporteur entered into office. In the report the Special Rapporteur presents his preliminary views concerning the background and context of the mandate, highlights certain challenges for its implementation and outlines the preliminary strategy that will inform his work under the mandate, including strategic considerations that he will take into account and specific work streams. The report also includes the Special Rapporteur's approach to engagement with stakeholders, the overarching considerations for his mandate and a description of his methods of work.

II. Historical background

5. The right to development was first mentioned in 1966, when then-Foreign Minister of Senegal, Doudou Thiam, referred to the right to development of the "Third World" before the General Assembly. Reflecting on the decades of failure of States to meet the goals of the first United Nations Development Decade, he linked that failure to the failure of newly decolonized States to resolve the growing economic imbalance between the developing and developed worlds. The Declaration on the Right to Development was adopted by the General Assembly on 4 December 1986. The Declaration was built on the edifice of the Charter of the United Nations and the Universal Declaration of Human Rights

and was adopted with the great majority of States supporting it.[1] The Declaration is aimed at promoting a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized.

6. The right to development was reaffirmed in 1992 in the Rio Declaration on Environment and Development, in which it is stated that the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations (principle 3). In paragraph 10 of part I of the Vienna Declaration and Programme of Action, adopted by consensus in 1993, the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights.

7. The right to development was also reaffirmed in various international declarations and outcome documents issued between the adoption of the Programme of Action of the International Conference on Population and Development in 1994 and the adoption of the outcome document of the United Nations Conference on Sustainable Development, entitled "The Future We Want", in 2012. In 2015, the right to development was explicitly recognized in four key internationally agreed policy documents: the Addis Ababa Action Agenda of the Third International Conference on Financing for Development; the Sendai Framework for Disaster Risk Reduction 2015-2030; "Transforming our world: the 2030 Agenda for Sustainable Development", which included the Sustainable Development Goals; and the Paris Agreement on climate change. These documents have become part of the policy and normative foundation of the mandate of the Special Rapporteur.

III. Normative framework

A. Charter of the United Nations

8. Already in 1945, the Charter of the United Nations (Arts. 1, 55 and 56) established the foundations of the right to development, by stating that the creation of conditions of stability and well-being are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and by mandating the United Nations to promote: higher standards of living, full employment, and conditions of economic and social progress and development; solutions to international economic, social, health, and related problems; international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

B. Declaration on the Right to Development as a guiding standard

9. Article 1 of the Declaration on the Right to Development states that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. It further states that the human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources. The right to development, as established in the Declaration, is an equal right among all universal, inalienable, interrelated, interdependent and indivisible human rights.

10. The Declaration is not in itself legally binding. However, many of its provisions are mirrored in legally binding instruments, such as the Charter of the United Nations and the International Covenants on Human Rights, and principles such as non-discrimination and

[1] 146 Member States voted in favour, one against (United States of America) and eight abstained (Denmark, Finland, Germany, Iceland, Israel, Japan, Sweden and the United Kingdom of Great Britain and Northern Ireland).

State sovereignty are also part of customary international law, which is binding on all States.

C. Vienna Declaration and Programme of Action

11. As mentioned (see para. 6 above), the World Conference on Human Rights reaffirmed the right to development in the Vienna Declaration and Programme of Action. It also reaffirmed that least developed countries committed to the process of democratization and economic reforms, many of which were in Africa, should be supported by the international community in order to succeed in their transition to democracy and economic development.[2] The World Conference further stated that the right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations.[3]

12. With regard to implementation of the right to development, in the Vienna Declaration the World Conference on Human Rights stated the need for: the formulation of effective national development policies and equitable international economic relations (para. 10); effective international cooperation (paras. 10 and 13); and international support for countries committed to the process of democratization and economic reforms (para.). The World Conference also emphasized the importance of removing obstacles to development, inter alia, human rights violations, racism, colonialism and foreign occupation; of promoting peace and security; and of increasing the resources devoted to development.

D. 2030 Agenda for Sustainable Development, including the 17 Sustainable Development Goals

13. The 2030 Agenda is explicitly grounded in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights treaties.[4] Importantly, the Agenda is to be implemented in a manner that is consistent with the rights and obligations of States under international law.[5] The key principles of the Declaration on the Right to Development are reaffirmed throughout the Agenda, which recognizes the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels and on transparent, effective and accountable institutions.[6]

14. In "Transforming our world: the 2030 Agenda for Sustainable Development", a major contemporary policy document, a tangible link is made between the right to development and sustainability. The right to development can and should be used as a guiding concept when measuring progress in the implementation of the new policy framework for sustainable development. The Sustainable Development Goals provide an opportunity to galvanize global and local action and resources to implement universal goals and targets that could contribute substantially to the promotion and implementation of the right to development.

E. Sendai Framework for Disaster Risk Reduction 2015-2030

15. In one of the guiding principles for the implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030 (para. 19 (c) of the Framework), it is stated that managing the risk of disasters is aimed at protecting persons and their property, health,

[2] Vienna Declaration and Programme of Action, part I, para. 9.
[3] Ibid., para. 11.
[4] General Assembly resolution 70/1, para. 10.
[5] Ibid., para. 18.
[6] Ibid., para. 35.

livelihoods and productive assets, as well as cultural and environmental assets, while promoting and protecting all human rights, including the right to development.

16. People across the world are increasingly exposed to natural disasters, the effects of which destroy development efforts and reduce entire regions to poverty. Poverty and vulnerability to disasters are closely linked: low-income countries, in particular the poor and disadvantaged groups within them, are typically more vulnerable to and disproportionately affected by disasters. The implementation of the right to development is, therefore, closely interlinked with disaster risk reduction. Natural hazards cannot be fully avoided; however, disasters to a large extent can be averted by reducing the exposure of communities to the hazard, increasing their capacities to withstand it and/or reducing their vulnerability.

F. Addis Ababa Action Agenda of the Third International Conference on Financing for Development

17. In the opening paragraph of the Addis Ababa Action Agenda, the Heads of State and Government and High Representatives gathered in Addis Ababa for the Third International Conference on Financing for Development referred to the right to development, specifically stating that their goal was to end poverty and hunger and to achieve sustainable development through promoting inclusive economic growth, protecting the environment and promoting social inclusion, and that they committed to respecting all human rights, including the right to development. The Addis Ababa Action Agenda and the 2030 Agenda are closely intertwined; the former is referred to in the latter as an integral part of the 2030 Agenda,[7] and it has been affirmed that the full implementation of the Addis Ababa Action Agenda is critical for the realization of the Sustainable Development Goals and targets.[8] The Addis Ababa Action Agenda is explicitly linked to the means of implementation targets established under Goal 17 and under each specific Sustainable Development Goal, in that it is recognized as supporting, complementing and helping to contextualize those targets.[9] The targets under Goal 17 operationalize the Addis Ababa Action Agenda commitments in the areas of finance, technology, capacity-building, trade and systemic issues.

18. The 2030 Agenda connects the follow-up of the Addis Ababa Action Agenda commitments to the Sustainable Development Goal accountability framework, i.e. the high-level political forum under the auspices of the General Assembly and the Economic and Social Council.[10] The Addis Ababa Action Agenda emphasizes accountability and transparency, providing for the establishment of the annual forum on financing for development follow-up under the auspices of the Economic and Social Council,[11] which is mandated to monitor the 2030 Agenda means of implementation targets. The forum is an intergovernmental mechanism open to participation from other stakeholders,[12] including, in particular, the World Bank, the International Monetary Fund, the World Trade Organization and United Nations Conference on Trade and Development, which will participate in the special high-level meeting of the forum.

19. In the Addis Ababa Action Agenda, human rights and fundamental freedoms, along with good governance, the rule of law and access to justice, are referred to as integral to the cross-cutting commitment to promote peaceful and inclusive societies[13] — language similar to that used in Sustainable Development Goal 16. The Addis Ababa Action Agenda contains numerous references relating to human rights, including:

[7] Ibid., para. 62.
[8] Ibid., para. 40.
[9] Ibid., para. 62.
[10] Ibid., para. 47.
[11] General Assembly resolution 69/313, para. 132.
[12] Ibid., para. 132.
[13] Ibid., para. 18.

(a) The promotion of gender equality and women's empowerment, the full realization of the human rights of women and girls and elimination of gender-based violence and discrimination (paras. 6 and 41);

(b) A commitment to deliver social protection and public services, i.e., a commitment to a new social compact, with a focus on people living below the poverty line and vulnerable groups, including persons with disabilities, indigenous persons, children, youth and older persons (para. 12);

(c) Commitments to scale up efforts to end hunger and ensure food security (paras. 13, 108 and 121) and to promote health and education (paras. 77-78);

(d) A reaffirmation of the commitment to international cooperation for development, including the commitment by many developed countries to achieve the target of 0.7 per cent of gross national income for official development assistance and the target of 0.15 to 0.20 per cent of that assistance to be directed to least developed countries (para. 51), and an invitation for countries to join in implementing innovative mechanisms of development finance, such as blended finance (para. 69) and multi-stakeholder initiatives (paras. 76-78);

(e) Encouragement for national and multilateral development banks to adopt social and environmental safeguard systems, with a specification that the safeguards should be developed in open consultation with stakeholders and should encompass human rights, gender equality and women's empowerment (para. 75; see also para. 33);

(f) A commitment to promoting sustainable business practices in accordance with international standards, including the Convention on the Rights of the Child, the Guiding Principles on Business and Human Rights, International Labour Organization standards and environmental agreements (para. 37);

(g) A commitment to promote and protect the human rights and fundamental freedoms of all migrants regardless of their migration status (para. 111) and to combat human trafficking and exploitation (para. 112).

G. Paris Agreement on climate change

20. The Intergovernmental Panel on Climate Change, in its assessments of climate change, which are based on the work of hundreds of scientists from all over the world, has repeatedly confirmed that climate change is real and that human-made greenhouse gas emissions are its primary cause. Extreme weather events and natural disasters, rising sea levels, floods, heat waves, droughts, desertification, water shortages and the spread of tropical and vector-borne diseases are some of the grim results of climate change. These phenomena directly and indirectly affect the enjoyment of a range of human rights, including the rights to life, water and sanitation, food, health, housing, self-determination and culture, as well as the right to development.

21. It was recognized in the preamble of the Paris Agreement that the parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, including the right to development.

H. Human Rights Council resolutions

22. The right to development is routinely mentioned in Human Rights Council resolutions. Examples include the following:

(a) In its resolution 4/4, the Council decided to agree on a programme of work that would lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(b) In its resolution 6/7, the Council reaffirmed the right to development as a universal and inalienable right and an integral part of all human rights and also reaffirmed

that unilateral coercive measures were a major obstacle to the implementation of the Declaration on the Right to Development;

(c) In its resolution 7/23, the Council recognized that human beings were at the centre of concerns for sustainable development and that the right to development must be fulfilled so as to equitably meet the development and environmental needs of present and future generations;

(d) In its resolution 8/5, the Council affirmed that a democratic and equitable international order required, inter alia, the realization of the right of every human person and all peoples to development, as a universal and inalienable right and an integral part of fundamental human rights;

(e) In its resolution 17/14, the Council recalled the Declaration on the Right to Development, which, inter alia, established that States should take, at the national level, all measures necessary for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health services;

(f) In its resolution 18/6, the Council recognized that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society were an essential part of the necessary foundations for the realization of social and people-centred sustainable development;

(g) In its resolution 19/20, the Council recognized that transparent, responsible, accountable, open and participatory government, responsive to the needs and aspirations of the people, was the foundation on which good governance rested, and that such a foundation was one of the indispensable conditions for the full realization of human rights, including the right to development.

23. The right to development is also explicitly noted in the resolutions in which the Human Rights Council endorses the Guiding Principles on Foreign Debt and Human Rights (Council resolution 20/10) and the Guiding Principles on Extreme Poverty and Human Rights (Council resolution 21/11). The right to development was also referenced in Council resolution 35/8 on the enhancement of international cooperation in the field of human rights. In resolution 35/21 on the contribution of development to the enjoyment of all human rights, the Council once again recalled the Declaration on the Right to Development and reaffirmed that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis.

I. Other global, regional and national instruments

24. In the United Nations Declaration on the Rights of Indigenous Peoples, it is recognized that indigenous peoples have the right to development. In accordance with article 23, indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

25. In article 33 of the Charter of the Organization of American States, it is stated that development is a primary responsibility of each country and should constitute an integral and continuous process for the establishment of a more just economic and social order that will make possible and contribute to the fulfilment of the individual.

26. The 53 States parties to the African Charter on Human and Peoples' Rights are legally bound to ensure the exercise of the right to development, which is included in article 22 of that Charter. The right to development is also recognized in article 30 of the African Youth Charter and article 19 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Further, the African Commission on Human and

Peoples' Rights to uphold the right to development to be justiciable. For example, in one case, the Court has found that Kenya had violated the right to development of the Endorois people by failing to involve them in relevant decision-making processes and by not equitably sharing the benefits of development.[14]

27. The right to development is recognized in the Arab Charter on Human Rights as a fundamental human right. Under article 37 of the Charter: States are required to establish development policies and take the measures needed to guarantee that right; States parties have a duty to give effect to the values of solidarity and cooperation among them and at the international level with a view to eradicating poverty and achieving economic, social, cultural and political development; and by virtue of the right to development, every citizen has the right to participate in the realization of development and to enjoy the benefits and fruits thereof.

28. The Association of Southeast Asian Nations Human Rights Declaration contains a section on the right to development, in which Member States are called upon to mainstream the multidimensional aspects of the right to development into the relevant areas of Association of Southeast Asian Nations community-building and beyond and to work with the international community to promote equitable and sustainable development, fair trade practices and effective international cooperation (art. 37).

29. At the national level, a few constitutions include the right to development.[15] Other countries recognize other human rights that contribute to development and the realization and implementation of the right to development directly and/or indirectly, such as the right to enjoy a healthy environment,[16] or establish that the State has the duty to protect natural resources and the diversity and integrity of the environment and to guarantee sustainable development.[17]

IV. Challenges to the realization of the right to development

30. The Special Rapporteur has initiated a process of broad consultations with stakeholders to learn what they perceive to be major challenges for the realization of the right to development. Through informal consultations, conducted in the short time available, with permanent missions, intergovernmental organizations and non-governmental organizations, the Special Rapporteur has become aware of numerous concerns that require further study, including:

(a) *Politicization*. Despite the fact that more than 30 years have passed since the adoption of the Declaration on the Right to Development, views among States are still divided. The European Union has asked for further clarity on the right. There are disagreements on the nature of the duties of States to realize the right to development and on the relative emphasis to be placed on the national dimension of State obligations (individual rights and corresponding State responsibilities, rule of law, good governance, combating of corruption) as compared to obligations of international cooperation (international responsibilities, international order, development cooperation, global governance). There are also differences of opinion among States regarding criteria for measuring progress towards implementing the right to development. The above conceptual differences have often resulted in a lack of sufficient momentum in the intergovernmental debate at the relevant United Nations forums, such as the General Assembly, the Human Rights Council and the Working Group on the Right to Development.

(b) *Lack of engagement*. The political divide has resulted in a low level of engagement of United Nations agencies and civil society in promoting, protecting and

[14] *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v. Kenya*, communication No. 276/03 (25 November 2009).

[15] See, for example, article 30 of the Constitution of Malawi. See also the Constitutions of Colombia, Germany, Guatemala and Mexico, which mention the right to development of the human personality.

[16] Argentina, Bolivia (Plurinational State of), Colombia, Guatemala, Mexico, Paraguay.

[17] See Constitution of El Salvador, art. 117.

fulfilling the right to development. Despite the progressive evolution of the concept of the right to development and its inclusion in some international and regional instruments and national constitutions, the general level of awareness and engagement for its implementation are low. Progress in development has been uneven, particularly for people in Africa, least developed countries, landlocked developing countries and small island developing States, and in developing countries more generally. [9] In addition, the low level of awareness of the right to development among grass-roots organizations further hampers advocacy efforts.

(c) *Adverse global trends*. The implementation of the right to development faces numerous other challenges: the global financial and economic crisis, the energy and climate crisis, the increasing number of natural disasters, the new global pandemics, the increase in automation in many sectors, corruption, illicit financial flows, the privatization of public services, austerity and other measures and the ageing of the global population, including in developing countries. There is a growing demand for resources for the realization of the right to development. The rise of nationalistic tendencies and the related trend to move away from international solidarity and cooperation may further weaken international governance. Addressing these challenges will require the concerted effort of all relevant stakeholders, both at national and at international levels.

V. Overarching considerations of the mandate

11. The Special Rapporteur will be guided by the following overarching considerations in all aspects of his work:

(a) *Participation, dialogue, consultation and transparency*. The Special Rapporteur aims to carry out his work in a participatory, consultative and open manner and actively involve all relevant stakeholders, including Member States, international organizations and non-governmental organizations working in the field of development, and think tanks, at local, national and international levels. In particular, the Special Rapporteur will invest in efforts to include actors from the global South as experts in the discourse on the right to development. To address the challenge of excessive politicization, the Special Rapporteur sees his role as facilitating cooperation among stakeholders and building bridges between initiatives and stakeholders, political and geographic caucuses, and countries and continents, with a view to creating platforms for the exchange of good practices and lessons learned. He also aims to serve as a catalyst for unified action to strengthen impact. This is particularly crucial in relation to the implementation of the Sustainable Development Goals. Goals 16 and 17 in particular emphasize building effective, accountable and inclusive institutions at all levels and revitalizing the Global Partnership for Sustainable Development, respectively.

(b) *Inclusiveness*. The history of the implementation of the Millennium Development Goals suggests that minorities and indigenous peoples have progressed at a slower rate and that, for these already disadvantaged groups, existing inequalities have been exacerbated as others have benefited from interventions. [10] Indigenous peoples, minorities, persons with disabilities and other disadvantaged groups, in particular in developing countries, have a stake in the implementation of the right to development and sustainable development processes and should not be left behind. At the same time, international and national efforts to implement the right to development have not been successful in fully integrating a gender perspective. In implementing his mandate, the Special Rapporteur will advocate for the inclusion of the most disadvantaged groups in all international and national forums linked to the implementation of the right to development and related sustainable development processes. The Special Rapporteur also aims to pay special attention to the

[9] United Nations Development Programme, *Human Development Report 2016: Human Development for Everyone*, pp. 202–205.

[10] See https://sustainabledevelopment.un.org/content/documents/2406IN1%20Issue%20Brief%20on%20Leaving%20No%20one%20Behind_FINAL.pdf.

gender dimensions in his work, considering, at the first instance, the developmental challenges that women and girls face in most societies. These challenges are many, ranging from laws that give unequal access to land and other resources, to development or disaster reduction policies that do not provide women with access to education and financing to develop their businesses or even enough food to feed their children and that do not ensure basic services, such as health care and housing.

(c) *Interdependence and indivisibility of human rights.* The Special Rapporteur recalls that all human rights and fundamental freedoms, including the right to development, are universal, indivisible, interdependent and interrelated. He also recalls that, as stated in the Declaration on the Right to Development, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that, accordingly, the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms. The adoption of the Sustainable Development Goals, which explicitly recognize the right to development, and the Paris Agreement on climate change provides a renewed opportunity to revitalize the implementation of the right to development.

(d) *International cooperation.* International cooperation is mentioned on multiple occasions in resolutions of the Human Rights Council and the General Assembly and policy documents related to the right to development. Achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all is one of the purposes of the United Nations, articulated in Article 1 (3) of the Charter. In the Declaration on the Right to Development, it is recognized that the right to development cannot be realized, nor can all States fulfil their responsibilities, without effective cooperation among States. In its resolution 33/14, the Human Rights Council recognizes that Member States should cooperate with each other in ensuring development and eliminating lasting obstacles to development, and that the international community should promote effective international cooperation, in particular global partnerships for development, for the realization of the right to development and the elimination of obstacles to development. It also states that lasting progress towards the implementation of the right to development requires effective development policies at the national level, equitable economic relations and a favourable economic environment at the international level. The Special Rapporteur will focus on providing complementary and constructive contributions with respect to improving international cooperation and creating an enabling international environment for the realization of the right to development and all human rights.

VI. Focus areas of the mandate

12. More than 30 years after the adoption of the Declaration on the Right to Development, there is a need to reinvigorate the advocacy process for its implementation. Business as usual will not be sufficient to achieve progress. The right to development is not just a declaration or a topic for political debate within the United Nations or political forums. The reality outside these forums is that of billions of people who are in need of improvements in their lives and who are entitled to have their human rights, including the right to development, realized. The particular value of the right to development is that it shifts the focus away from statistics and goods to the well-being of people. Only when people have access to education, when they are allowed to work in a profession of their choice, when they have access to financial services, health care and housing, when they can fully and freely participate in shaping the policies that govern their lives, are they able to lead lives to their full potential. The right to development brings to the discussion the paradigm of choice — the right of every human being to participate in, to contribute to and to enjoy economic, social, cultural and political development, in order to achieve sustainable development.

13. When establishing the mandate of the Special Rapporteur, the Human Rights Council emphasized the urgent need to make the right to development a reality for

every 4. The Special Rapporteur sees his role as ensuring that the right to development remains a focus in the global discourse on the post-2015 development agenda. The Special Rapporteur will work to ensure that the right to development, and indeed all human rights, are mainstreamed as an integral part of the sustainable development discourse, while emphasizing that development should happen in accordance with human rights principles and with the goal of achieving the realization of the right to development for all, rather than simply for economic growth. While economic growth is important, it is a quantitative and value-neutral concept that can have both negative and positive impacts on people's lives. Development, on the other hand, is a qualitative concept, including the human rights dimension is crucial to assessing the actual success of human development. Accordingly, the vision contained in the Declaration on the Right to Development must be the guiding force in the implementation of the post-2015 development framework. On the basis of Council resolution 33/14, the Special Rapporteur has identified several major areas of focus that he would like to develop in the course of his mandate.

34. First, the Special Rapporteur intends to focus on identifying and working to remove structural obstacles to the implementation of the right to development, by assessing national and international development policies and providing recommendations on fostering effective international cooperation, including in relation to financing for development. Depending on available resources, he also intends to organize consultations, in particular regional consultations, on some of these issues.

35. Second, in line with Human Rights Council resolution 33/14, the Special Rapporteur will develop a constructive dialogue and consult with States and other relevant stakeholders to identify, exchange and promote good practices relating to the realization of the right to development in the context of the implementation of the 2030 Agenda, the Sendai Framework for Disaster Risk Reduction 2015-2030, the Addis Ababa Action Agenda and the Paris Agreement on climate change. At the present stage, the Special Rapporteur has not yet developed benchmarks to assess, measure and compare what qualitatively could be considered good practices. He will further consult stakeholders in this respect.

36. A third area of focus will be exploring practical measures and providing recommendations for the realization of the right to development at the national and international levels. The Special Rapporteur is mandated to contribute to the promotion, protection and fulfilment of the right to development in the context of the implementation of the 2030 Agenda and other internationally agreed outcomes of 2015, and to this effect engage with Member States and other stakeholders and participate in relevant international meetings and conferences. In that context the Special Rapporteur observes that operationalizing the right to development requires not only evaluation of the outcomes of the 2030 Agenda, but also examination of the processes that lead to the above outcomes, with particular attention paid to ensuring the participation of all relevant stakeholders.

37. Further, the Special Rapporteur is mandated to contribute to the work of the Working Group on the Right to Development, with a view to supporting the accomplishment of its overall mandate, taking into account, inter alia, the deliberations and recommendations of the Working Group, while avoiding any duplication. The Special Rapporteur intends to implement his mandate by providing input to the discussions on finalizing the consideration of the criteria and operational subcriteria in relation to the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development. At the time of writing of the present report, the Special Rapporteur had initiated consultations with the Chair-Rapporteur of the Working Group, representatives of the participating States and civil society organizations to assess how best to carry out this task. The Special Rapporteur endeavours to use in his work the agreed conclusions of the Working Group as a basis for his efforts to move forward the implementation of the right to development.

VII. Methods of work

38. The core of the Special Rapporteur's work will consist of the following interrelated activities:

(a) Submitting to the Human Rights Council and the General Assembly annual reports on the activities undertaken in fulfilling his mandate, including thematic studies on key issues related to the right to development. In the course of his mandate the Special Rapporteur will, as requested, undertake in-depth studies and submit thematic reports to the Council and the Assembly on various aspects of the right to development. At the time of writing of the present report, the Special Rapporteur was in the process of conducting consultations with States, the Office of the United Nations High Commissioner for Human Rights, United Nations agencies, international organizations, non-governmental organizations and other stakeholders, seeking suggestions for thematic studies to be conducted throughout his mandate;

(b) Gathering, requesting and receiving information from, and exchanging information and communications with, States and other relevant sources, including civil society organizations, on issues related to the right to development;

(c) Engaging in dialogue with Member States with the goal of formulating international development policies aimed at facilitating the full realization of the right to development and promoting effective international cooperation with a view to the realization of the right to development;

(d) Continuing to engage in dialogue with United Nations bodies, development agencies and international development, financial and trade institutions, to engage and support their efforts to mainstream the right to development in their work;

(e) Developing a specific methodology for the conduct of in situ visits to assess the implementation of the right to development;

(f) Developing a specific methodology to examine specific situations/cases related to the right to development, with a view to establishing open dialogue with the institutions and countries concerned, in consultation with relevant stakeholders;

(g) Developing cooperation with other special procedure mandate holders working on related issues.

VIII. Conclusions

39. **The present report of the Special Rapporteur is being submitted only a few months after his appointment. The Special Rapporteur is acutely aware of the complexities and sensitivities that surround the debate on the right to development. He is also aware of the need to avoid duplication of work being done throughout the United Nations system and to ensure synchronicity and consistency in all activities. The present report contains an overview of the main focus areas the Special Rapporteur proposes to address as priorities in the course of his mandate. He is not asserting that he will have the capacity to address all these issues in full detail, or that he will confine himself only to these issues, as this will also depend upon resources and opportunities.**

40. **The Special Rapporteur looks forward to receiving and analysing feedback from stakeholders, including think tanks, development practitioners and universities. He looks forward to working together with relevant special procedure mandate holders, especially those working on mandates closely related to the right to development, such as the Working Group on the issue of human rights and transnational corporations and other business enterprises, the Special Rapporteur in the field of cultural rights, the Special Rapporteur on the right to education, the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Special Rapporteur on the right to food, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Independent Expert on the promotion of a democratic and equitable international order, the Independent Expert on human rights and international**

solidarity and the Special Rapporteur on extreme poverty and human rights. The Special Rapporteur will also endeavour to cooperate closely with the Working Group on the Right to Development and with other human rights and development bodies and mechanisms, such as the United Nations Development Programme, the United Nations Environment Programme, United Nations Conference on Trade and Development and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). Finally, the Special Rapporteur stresses that an effective discharge of his mandate will only be possible with the full cooperation of Member States, international organizations and non-governmental organizations, and with adequate support from the Office of the United Nations High Commissioner for Human Rights.